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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,295	12/20/2001	Tamenobu Yamamoto	12301/2	8106

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EXAMINER

TRAN, THAO T

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,295

Applicant(s)

YAMAMOTO ET AL.

Examiner

Thao T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) 2 and 8-11 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-7 and 12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/04; 1/2/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species directed to a polyamide sheet layer connected to one of the protective sheet layers and a polyamide as the thermally molded resin layer in the reply filed on 11/29/2004 is acknowledged. Claims 1, 3-7, and 12 would read on this election.
2. Claims 1-12 are currently pending in this application. Claims 2 and 8-11 have been withdrawn as drawn to non-elected inventions in the replies filed on 11/29/2004 and 9/29/2003.
3. Upon further consideration, the finality of the Office action of 7/9/2004 has been withdrawn.

Specification

4. In view of the prior Office action of 7/9/2004, the objection of the drawings and Brief Description of the Drawings, has been withdrawn due to the Amendments made thereto.

Claim Rejections - 35 USC § 112

5. In view of the prior Office action of 7/9/2004, the rejection of claims 1-7 and 12 are rejected under 35 U.S.C. 112, second paragraph, has been withdrawn due to the Amendments made thereto.

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6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is indefinite due to the use of "the polyamide". Since both the sheet layer and the thermally molded resin layer contain polyamide, it is unclear to the examiner which polyamide layer Applicants are referring to. Clarification of the polyamide is required.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1, 3-7, and 12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,613,433; claims 1-20 of US Pat. 6,659,608; claims 1-20 of US Pat. 6,814,902. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of the claims in each of the cited patent overlaps that of the instant claims, rendering them obvious over each other.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3-7, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al. (US Pat. 6,613,433), or Yamamoto et al. (US Pat. 6,659,608), or Yamamoto et al. (US Pat. 6,814,902).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Each of the cited references teaches all the limitations as recited in the instant claims.

Yamamoto ‘433 teaches an optical lens (sunglasses), comprising a laminate, which comprises a polarizer sheet sandwiched between two protective layers, a resin sheet layer made of polyamide resin is attached to the protective layer by a pressure sensitive adhesive (see paragraph bridging col. 1-2; col. 2, ln. 58-65; col. 5, ln. 30-34, ln. 60-63). The same arguments are presented with Yamamoto ‘608 and Yamamoto ‘902.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshikawa (US Pat. 4,709,991) in view of Hoshikawa et al. (US Pat. 4,526,818).

Hoshikawa '991 teaches a polarizing article, comprising a laminate structure; wherein the laminate structure comprises transparent plates 1, 2; an orientation layer 6 on the inner surface of the transparent plates; and a barrier layer 5 (see Fig. 1; col. 5, ln. 31-50). The orientation layer 6 is formed of polyamide resin (see col. 6, ln. 3-5). The transparent plate can have a polarizing film attached to it (see col. 2, ln. 48-49). A seal 8 is formed around the periphery of the transparent plates, wherein the seal is formed of urethane resin (see col. 6, ln. 13-19). The transparent plate may have a layer of aluminum or silver applied to it (mirror coating) (see col. 2, ln. 56-58). An adhesive is applied on the transparent plates and between the plates (see Fig. 4; col. 7, ln. 6-8; col. 8, ln. 65-67).

Hoshikawa '991 does not specifically teach the polarizing film sandwiched between two layers.

Hoshikawa '818 teaches a substrate comprising a polarizer sheet 11 sandwiched between two plastic films 12, 13; an orientation layer 3 made of polyamide resin (see abstract; Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention

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was made, to have employed the substrate, as taught by Hoshikawa '818, in the invention of Hoshikawa '991, for the purpose of providing better protection of the polarizing plate.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tt
February 14, 2005


THAO T. TRAN
PATENT EXAMINER